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April 19, 2011

HAND DELIVERY

The Honorable Fernando Galindo, Clerk
United States District Court
Eastern District of Virginia – Richmond Division
701 East Broad Street
Richmond, Virginia 23219

Re: Mandel v. Crawford *et al.*
Case No.: 3:11-cv-0120-REP

Dear Mr. Galindo:

Enclosed please find an Agreed Order to be filed in the above-referenced matter. Please present the endorsed Order to Judge Payne for entry.

Thank you very much for assistance in this matter. If you have any questions regarding the enclosed, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature of Stephen E. Baril in black ink.

Stephen E. Baril

SEB/dba
Enclosure

cc: Daniel M. Cohen, Esq. (via email: w/enclosure)
Erin L. Barrett, Esq. (via email: w/enclosure)
Timothy J. St. George, Esq. (via email: w/enclosure)

CLERK, U.S. DISTRICT COURT
RICHMOND, VIRGINIA

2011 APR 19 A 10:11

RECEIVED



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

HENRY MANDEL, on behalf of)
himself and all others similarly)
situated,)
Plaintiff,)

v.)

Civil Action No. 3:11-CV-0120-REP

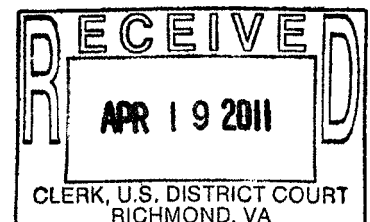
JAMES B. CRAWFORD,)
ROBERT H. FOGLESONG,)
RICHARD M. GABRYS,)
ROBERT B. HOLLAND, BOBBY)
R. INMAN, DAN R. MOORE,)
BAXTER F. PHILLIPS, JR.,)
STANLEY C. SUBOLESKI, LINDA)
J. WELTY, MASSEY ENERGY)
COMPANY, and ALPHA NATURAL)
RESOURCES, INC.,)
Defendants.)

AGREED ORDER

CAME NOW Defendants, Alpha Natural Resources, Inc., James B. Crawford, Robert H. Foglesong, Richard M. Gabrys, Robert B. Holland, Bobby R. Inman, Massey Energy Company, Dan R. Moore, Baxter F. Phillips, Jr., Stanley C. Suboleski, and Linda J. Welty (collectively, "Defendants") upon their Motion to Stay (Docket No. 3).

For the reasons set forth in the memorandum in support of the Motion to Stay (Docket No. 4), upon agreement of the parties, and for good cause shown, this Court finds that, under the principles set forth in *Colorado River Water Conservation District v. United States*, 424 U.S. 800 (1976), the above-styled action should be stayed pending the resolution of the first-filed proceedings in *In re Massey Energy Derivative Litigation*, No. 5430-VCS (Del. Ch.).

Accordingly, it is hereby ORDERED, ADJUDGED and DECREED that Defendants' Motion to Stay be, and hereby is, GRANTED.



The Clerk is directed to send a copy of this Order to counsel of record.

ENTERED this ____ day of April, 2011.

IT IS SO ORDERED.

Dated: April _____, 2011

Hon. Robert E. Payne
UNITED STATES DISTRICT JUDGE

WE ASK FOR THIS:

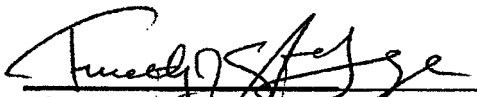


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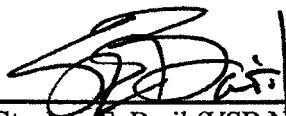


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